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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,011	06/29/2001	Philippe Letellier	PF980068	8360

7590 04/21/2004  
Joseph S Tripoli  
Thomson Multimedia Licensing Inc  
CN 5312  
Princeton, NJ 08543-0028

EXAMINER

CAO, DIEM K

ART UNIT PAPER NUMBER

2126

DATE MAILED: 04/21/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/807,011

Applicant(s)

LETELLIER ET AL.

Examiner

Diem K Cao

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office action is in response to the Amendment filed on 2/5/2004.
2. Claims 1-9 remain in the application. Applicant has amended claims 7-8.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the application manager" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karlton et al. (U.S. 5,802,284) in view of Menand et al. (U.S. 5,563,648).

7. **As to claim 1**, Karlton teaches a device for managing an application (set-top software environment for set-top computer 112; col. 4, lines 48-50), an application management module (Application manager 302, a script interpreter 306; col. 4, line 48 – col. 5, line 8) which can execute at least one management instruction set (executable file 402, a script; col. 6, lines 1-19), the management instructions modifying via functions the running of an application (When a viewer application ... has successfully downloaded; col. 5, lines 20-34), the execution of a management instruction being initiated upon a change of state of the application (download of application; col. 2, lines 9-34), and/or upon an event external to the device (user input; col. 2, lines 19-34), the external event preferably being a user command (user input, user changes channel; col. 2, lines 8-27).

8. However, Karlton does not explicitly teach an execution system, an operating system, and access the resource of the device. Menand teaches an execution system (interpreter; col. 4, lines 62-67), an operating system (central processing unit; col. 3, lines 15-21), and access the resource of the device (An audio processor 418 ... I/O adapter; col. 3, lines 22-36 and Each hardware adapter ... which is a system loader; col. 5, lines 32-47).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Karlton and Menand because it provides a method to

Art Unit: 2126

maintain proper synchronization between the applications, and the sound and graphics being generated by the application and the audio and video components being received.

10. **As to claim 2**, Karlton teaches the functions of the management instructions cannot be executed by the operating system or the execution system (If an executable file is found, it is launched by application manager ...executes the script; col. 6, lines 1-15).

11. **As to claim 3**, Karlton teaches a means for loading the management instruction set from a source of management instruction to the application manager (application manager downloads that application ... requests the cover bundle, which in turn retrieve the view application; col. 5, lines 17-34).

12. **As to claim 4**, Karlton teaches the source of the management instruction is the application (a view application employs a cover bundle; col. 5, lines 20-22).

13. **As to claim 5**, Karlton the source of the management instructions is the user interface (the cover application may also be responsive to user input; col. 2, lines 18-34).

14. **As to claim 6**, Karlton teaches the device possesses a standard management instruction set in memory (Application manager ... terminating all other resident applications; col. 4, lines 60-64).

Art Unit: 2126

15. **As to claim 7**, Karlton does not explicitly teach the application manager comprises several sets of management instructions originating from several sources of management instructions, a specified management instruction set being assigned to each application.

However, Karlton teaches there are multiple viewer applications, and each viewer application might employs a cover bundle (Viewer application ... at a time; col. 4, line 65 – col. 5, line 2 and a view application employs a cover bundle; col. 5, lines 20-22), and the application manager executes the executable file in each bundle (If an executable file ... manager; col. 6, lines 1-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve the system of Karlton to have the application manager to comprise those bundles after being download to the set-top computer because it would improve the performance of the system by execute from the same application.

16. **As to claim 8**, Karlton does not teach wherein binary priority indicators are associated with the management instructions, the applications management module executing first the management instructions whose priority is the highest. However, Karlton teaches there are multiple applications in the set-top computer and only one application is executed at a time. It would have been obvious to one of ordinary skill in the art to apply priority to applications in order to decide which application to execute.

17. **As to claim 9**, it corresponds to a device claim of claim 1, and is rejected under the same ground of rejection.

Art Unit: 2126

***Response to Arguments***

18. Applicant's arguments, see pages 4-8, filed 2/5/2004, with respect to the rejection(s) of claim(s) 1-9 under USC 102(e) and USC 103(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Karlton et al and Menand et al.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

•Application/Control Number: 09/807,011  
Art Unit: 2126

Page 7

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